

Application No. 10/038,342
Attorney Docket No. 07303.0127-00000

REMARKS

Claims 1-32, 42, 45 and 46 have been cancelled without prejudice to their further prosecution in this or another application. Claims 33-41, 43, 44, and 47-52 are pending.

Applicant's representative thanks the Examiner for the courtesies extended in the teleconference of August 29, 2005. In the teleconference, possible strategies for addressing the Examiner's concerns regarding claim scope were discussed. Applicant believes that the Examiner's concerns have been addressed herein.

More specifically, the Office maintains that Applicant's reply of May 17, 2005 was not fully responsive to the prior Office Action mailed February 18, 2005. The Office contends that claim 33, as amended, is so broadened in scope as to claim target molecules different from DNA. Also, the Office objects to the amendment of the claims to include a limitation to a substrate.

Although Applicant respectfully disagrees with the Office's position as the application previously contemplated the use of target molecules other than DNA, Applicant has amended the claims herein to focus on those embodiments wherein the target molecule is DNA.

With respect to the Office's contention that the prior response was non-compliant because of the introduction of a claim limitation to the use of a substrate, Applicant must again respectfully disagree. The originally presented invention was drawn to an apparatus. See, Response, filed November 17, 2003. The claims as previously amended were readable on that apparatus originally elected and were not directed to an invention distinct from and independent of the invention initially claimed. However, to expedite allowance of this application, the claims have been amended to delete reference to the substrate.

Applicant respectfully requests that the amendments be entered. Applicant requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application and the timely allowance of the pending claims.

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If there is any fee due in connection with the filing of this Response, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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